IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

OP.No. 18176 of 2002(L)

PETITIONER:

**SRI.BHAGAVATHI TEXTILES LIMITED
CHITTOOR - 678 101, PALAKKAD, REPRESENTED BY ITS
EXECUTIVE DIRECTOR SHRI T.RAJKUMAR.**

**BY ADV. SRI.M.PATHROSE MATHAI
SRI.SAJI VARGHESE**

RESPONDENTS:

**1. GOVERNMENT OF KERALA,REPRESENTED BY
SECRETARY TO GOVERNMENT, POWER(A)DEPARTMENT,
GOVERNMENT SECRETARIAT,THIRUVANANTHAPURAM.**

**2. KERALA STATE ELECTRICITY BOARD,
VYDYUTHI BHAVANAM,PATTOM,THIRUVANANTHAPURAM-4
REP.BY THE SECRETARY.**

BY ADV. SRI.C.K.KARUNAKARAN, SC FOR KSEB

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 31/01/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

ORDER ON CMP NO. 30976/2002 IN OP NO. 18176/2002 L.

DISMISSED

31/01/2007. SD/- K.BALAKRISHNAN NAIR, JUDGE

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. COPY OF THE ORDER GO MS NO. 4/92/PD DT. 6/2/92.

EXT.P2. COPY OF THE ORDER OF THE KERALA STATE ELECTRICITY BOARD BO NO. 559/92/PLGCOM DT. 27/3/92.

EXT.P3. COPY OF THE ORDER OF THE KSEB NO. HT810/1009/642 DT. 28/11/97.

EXT.P4. COPY OF THE STATEMENT SHOWING THE DAYS AND PERIODS OR POWER CUTS OF 30%.

[True Copy]

Tga

K.BALAKRISHNAN NAIR, J.

O.P. NO. 18176 OF 2002-L

JUDGMENT

The point raised by the petitioner is covered against it by the Division Bench decision of this Court in **K.R. Alloy's Ltd. v. State of Kerala** [2005 (2) KLT 177]. But, the learned counsel for the petitioner submits that the S.L.P preferred against that decision is pending before the Apex Court. In view of the above position, the Original Petition is dismissed. But, it is clarified that in case the decision of the Apex Court is in favour of the petitioner, it will be entitled to get the benefit of the same.

31st January, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/

K.BALAKRISHNAN NAIR,J.

O.P. NO.18176/2002-L

JUDGMENT

31.01.2007